

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT ALABAMA

JENNIFER & SLADE PIGGOTT,

Plaintiffs,

vs.

GRAY CONSTRUCTION, INC.; GNF
ARCHITECTS AND ENGINEERS,
P.S.C; FREELAND-HARRIS
CONSULTING ENGINEERS OF
GEORGIA, INC.; and FREELAND-
HARRIS CONSULTING ENGINEERS
OF KENTUCKY, INC.,

Defendants.

CASE NUMBER:
2:06CV-1158-MEF

PLAINTIFFS' REPLY BRIEF TO OPPOSITIONS TO
PLAINTIFFS' MOTION TO SEVER

Plaintiffs Jennifer Piggott and Slade Piggott reply to the Briefs in Opposition to Plaintiffs' Motion to Sever filed by All-South Subcontractors, Inc. (All-South); Firestone Building Products, LLC (Firestone); The Hardy Corporation (Hardy); Cooper Steel Fabricators, Inc. (Cooper Steel); Hwashin America Corporation (Hwashin); Latta Plumbing & Construction, Inc. (Latta Plumbing); Freeland-Harris Consulting Engineers of Kentucky, Inc. (Freeland-Harris Kentucky); and Freeland-Harris Consulting Engineers of Georgia, Inc. (Freeland-Harris Georgia), by stating the following:

1. Plaintiff Jennifer Piggott is an innocent victim in this matter. She was performing her job duties on October 17, 2006. The parties listed above who have

filed an Opposition to Plaintiffs' Motion to Sever are attempting to put her through a long process on issues which do not involve her.

2. Plaintiffs Jennifer Piggott and Slade Piggott have sued Gray Construction, Inc. (Gray); GNF Architects and Engineers, P.S.C. (GNF); Freeland-Harris Consulting Engineers of Georgia, Inc. (Freeland-Harris Georgia); and Freeland-Harris Consulting Engineers of Kentucky, Inc. (Freeland-Harris Kentucky). Plaintiffs have named the proper parties defendant and intend to keep this a simple case of negligence or wantonness. Plaintiffs' case can be ready for trial by September, 2008, but only if the Motion to Sever is granted.

3. Defendant Gray was the general contractor and was responsible for the overall construction and design of the Hwashin facility. Defendant Gray was also responsible for hiring qualified and competent engineers, architects and subcontractors for this construction project. Defendant Gray did not file an Opposition to Plaintiffs' Motion to Sever, neither did Defendant GNF.

4. The only Defendants in Plaintiffs' case that filed Oppositions were Freeland-Harris Georgia and Freeland-Harris Kentucky, who simply adopted the arguments made by All-South and Firestone (defendants in Gray's Third-Party Complaint) in its Opposition.

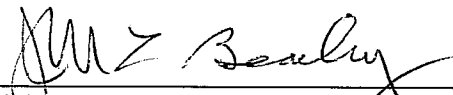
5. The brief filed by All-South and Firestone actually sets forth the very reasons why the primary case should be severed due to the complex issues which have been raised and will be defended in the property damage case if Hwashin's Motion for Leave to File its Amended Complaint in Intervention is allowed.


6. All parties agree that it is within the Court's discretion to sever Plaintiffs' case. It is abundantly clear that Plaintiffs will be highly prejudiced if the Motion to Sever is denied. If the severance were to be denied, the case will not be tried in 2008. The property damage claims asserted by Hwashin have brought in a new dimension to this case which has complicated the issues, created numerous logistical and jurisdictional problems and have already caused Plaintiffs much prejudice in pursuing their case and preparing for a trial date. To deny severance would cause further prejudice to Plaintiffs.

7. The efficiency of a consolidated trial is outweighed in this matter by the prejudice to Plaintiffs.

8. Britt Monroe, the attorney for Defendant Gray Construction, Inc., has informed Plaintiffs' attorney, Julia Beasley, that he wants to depose Plaintiff Jennifer Piggott and then mediate the case. It is apparent that if Plaintiffs' claims are not severed, every deposition will involve a lengthy process even in attempting to coordinate the schedules of at least 13 attorneys from different law offices who represent the various parties.

WHEREFORE, Plaintiffs request the court grant their Motion to Sever.


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CERTIFICATE OF SERVICE

I hereby certify that I have served a copy of the foregoing document upon all counsel of record as listed below by placing a copy of same in the United States Mail, first class, postage prepaid on this the 31st day of October 2007.


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